

THE HONORABLE RICARDO S. MARTINEZ

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

OSTERHAUS PHARMACY, INC. on behalf
of itself and all others similarly situated,

Plaintiff,

v.

CVS HEALTH CORPORATION, CVS
PHARMACY, INC., CAREMARK Rx, L.L.C.
(f/k/a CAREMARK Rx, INC.), CAREMARK,
L.L.C., CAREMARKPCS, L.L.C.,
CAREMARK PCS HEALTH L.L.C.,
CAREMARK IPA, L.L.C., CAREMARK
PART D SERVICES, LLC, AETNA INC.,
AETNA HEALTH HOLDINGS, LLC, AND
AETNA HEALTH MANAGEMENT, LLC,

Defendants.

Case No. 2:23-cv-01500-RSM

[PROPOSED] ORDER

This cause coming before the Court on the Motion to Compel Arbitration filed on December 22, 2023, by Defendants CVS Health Corporation, CVS Pharmacy, Inc., Caremark Rx, L.L.C. (f/k/a Caremark Rx, Inc.), Caremark, L.L.C., CaremarkPCS, L.L.C., Caremark PCS Health L.L.C., Caremark IPA, L.L.C., Caremark Part D Services, LLC, Aetna Inc., Aetna Health Holdings, LLC, and Aetna Health Management, LLC (together, “Defendants”), the Court being fully advised in the premises, IT IS HEREBY ORDERED:

1. Defendants’ motion is GRANTED.
2. The claims asserted against Defendants by Plaintiff Osterhaus Pharmacy Inc. (“Plaintiff”) are dismissed.

3. Plaintiff must bring the claims asserted against Defendants in arbitration, if at all.

Dated this ____ day of December, 2023

UNITED STATES DISTRICT JUDGE

Presented by:

/s/ Kevin P. Shea

Kevin P. Shea, pro hac vice
Seth A. Horvath, pro hac vice
Elizabeth Z. Meraz, pro hac vice
Aon Hussain, pro hac vice
Nixon Peabody LLP
70 West Madison Street, Suite 5200
Chicago, Illinois 60602
Telephone: (312) 977-4400
Facsimile: (312) 977-4405
kpshea@nixonpeabody.com
sahorvath@nixonpeabody.com
ezmeraz@nixonpeabody.com
ahussain@nixonpeabody.com

/s/ Shylah R. Alfonso

Shylah R. Alfonso, WSBA No. 3318
Tiffany Lee, WSBA No. 51979
Nicholas M. Marquiss, pro hac vice
Perkins Coie LLP
1201 Third Avenue, Suite 4900
Seattle, Washington 98101-3099
Telephone: (206) 359-8000
Facsimile: (206) 359-9000
SAlfonso@perkinscoie.com
TiffanyLee@perkinscoie.com
NMarquiss@perkinscoie.com

Attorneys for Defendants